

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**Alphonso Dwayne Mobley,**

**Plaintiff,**

**v.**

**Case No. 2:20-cv-1175**

**Colleen O'Donnell, et al.,**

**Judge Michael H. Watson**

**Defendants.**

**Magistrate Judge Vascura**

**OPINION AND ORDER**

Plaintiff Alphonso Dwayne Mobley (“Plaintiff”) sued Defendants Colleen O’Donnell and Ron O’Brien (together “Defendants”) in their personal and official capacities. Compl., ECF No. 1-2. Plaintiff later moved to drop his claims against Defendants in their personal capacities. ECF No. 7. On March 30, 2020, the Magistrate Judge entered an Order and Report and Recommendation (“R&R”) granting Plaintiff’s motion for leave to proceed in forma pauperis and recommending that the Court dismiss this action pursuant to 28 U.S.C. § 1915(e)(2). R&R, ECF No. 4. The Magistrate Judge found that “Plaintiff simply reasserts the same claims, causes of action, and injuries arising out of the same facts that he alleged in his state-court case,” and, therefore, his claims were barred by res judicata. *Id.* at 6. Plaintiff filed objections to the R&R on April 8, 2020, ECF No. 5, and then filed a motion for judicial notice and to supplement objections, ECF No. 8.

The Court reviews *de novo* those specific portions of the R&R to which Plaintiff has objected. 28 U.S.C. § 636(b)(1)(C). The undersigned may accept, reject, or modify the R&R, receive further evidence, or return the matter to the Magistrate Judge with instructions. *Id.*

The Court has reviewed *de novo* Plaintiff's objections and his supplemental objections and finds no merit in them. Contrary to Plaintiff's assertions, each of his state-court claims was adjudicated on the merits, and Plaintiff's claims are barred as to Defendants in both their personal and official capacities. Therefore, for the reasons provided in more detail in the R&R, Plaintiff's objections and supplemental objections, ECF Nos. 5, 8, are **OVERRULED**, and the R&R, ECF No. 4, is **ADOPTED AND AFFIRMED**. Plaintiff's motion for injunctive relief, ECF No. 6, and his motion to drop, ECF No. 7, are **DENIED AS MOOT**.

This Court further certifies pursuant to 28 U.S.C. § 1915(a)(3) that, for the foregoing reasons, an appeal of this Order would not be taken in good faith and therefore **DENIES** Plaintiff leave to appeal *in forma pauperis*.

The Clerk is **DIRECTED** to terminate this case.

**IT IS SO ORDERED.**

*/s/ Michael H. Watson*

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MICHAEL H. WATSON, JUDGE  
UNITED STATES DISTRICT COURT